

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ING LIFE INSURANCE AND ANNUITY  
COMPANY

Plaintiff,

v.

KUMBIRAI CHIWARA USHE,

FIDES PERDITA USHE AS MOTHER  
AND NATURAL GUARDIAN OF  
KUMBIRAI CHIWARA USHE,

ZVIDZAI G. USHE,

DUMAZILE Z. USHE,

NTOMBIZODWA KUMALO-USHE  
(LAST SPOUSE OF SAMSON CHIWARA  
USHE), individually and as Administratrix  
of the ESTATE OF SAMSON CHIWARA  
USHE

Defendants.

CIVIL ACTION NO. 1:04-11571-KPN

**FILING FEE PAID:**

RECEIPT # 305981  
AMOUNT \$ 50.00  
BY DPTY CLK MLH  
DATE 6/27/05

**MOTION FOR ADMISSION  
PRO HAC VICE OF MARC EDRICH**

ING Life Insurance and Annuity Company ("ING"), hereby moves, by and through its designated local counsel, Gabriel D.M. Ciociola, pursuant to Local Rule 83.5.3, for an order permitting Mr. Edrich, Esquire to appear on behalf of ING. The grounds for this motion are set forth in the affidavit of Mr. Edrich, Esquire, submitted herewith.

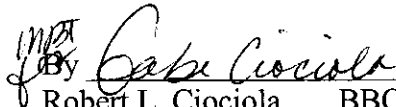
1. Mr. Edrich is a member in good standing of the bars of Connecticut and New York, and was admitted to practice in the United States District Court for the District of Connecticut, where he remains in good standing.

2. Mr. Edrich has not been denied admission nor disciplined by either this or any other Court, and has no disciplinary proceedings pending against him in any jurisdiction where he has been admitted to practice.
3. Gabriel D. M. Ciociola is a member in good standing of this Court, has entered an appearance in this case, and will continue as local counsel for ING in this case.

**WHEREFORE**, ING respectfully requests that Mr. Edrich be permitted to appear on its behalf in this case.

Dated: June 23, 2005

Respectfully submitted,  
Interpleader Plaintiff,  
ING Life Ins. & Annuity Co.

  
Robert L. Ciociola BBO# 084140  
Gabriel D. M. Ciociola BBO# 636072  
Litchfield Cavo, LLP  
6 Kimball Lane, Suite 100  
Lynnfield, MA 01940  
(781) 309-1500  
(781) 309 0167 Fax  
Its Attorneys

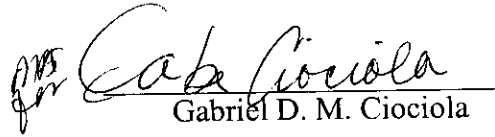
**CERTIFICATE : LOCAL RULE 7.1(A)(2)**

I hereby certify that I have conferred with counsel and with unrepresented parties of record in this action concerning the above motion, and have verified that none have an opposition.

  
Gabriel D. M. Ciociola

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon all counsel of record or unrepresented parties by first class mail, postage pre-paid on June 23, 2005.

  
Gabriel D. M. Ciociola

UNITED STATES DISTRICT COURT  
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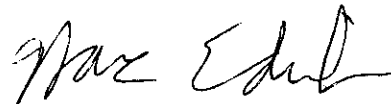
CIVIL ACTION NO. 1:04-11571-KPN

**AFFIDAVIT OF MARC S. EDRICH**

I, Marc S. Edrich, of full age, being duly sworn hereby deposes and says:

1. I am an attorney with the law firm of Litchfield Cavo, LLP, 40 Tower Lane, Suite 200, Avon, Connecticut, which represents ING Life Insurance and Annuity Company ("ING").
2. I seek permission to practice before this Court for the purposes of appearing on behalf of ING during the course of the proceedings in this case.

3. I am a member in good standing of every jurisdiction where I have been admitted to practice: Connecticut since 1989, New York since 2001 and of the United States District Court for the District of Connecticut since 1990. There are no disciplinary proceedings against me as a member of the bar in any jurisdiction. I am not currently, nor have I ever been, held in contempt of court, or censured, suspended or disbarred by any court.
4. I have read, and am familiar with, the Rules of the United States District Court for the District of Massachusetts.
5. I am not a resident of the Commonwealth of Massachusetts, nor am I regularly employed in the Commonwealth of Massachusetts, nor am I regularly engaged in substantial business, professional or other activities within the Commonwealth of Massachusetts.
6. Designated local counsel for ING in this action, Gabriel D. M. Ciociola, Esquire, of Litchfield Cavo, LLP, 6 Kimball Lane, Lynnfield, Massachusetts, is a member in good standing of this Court, has entered an appearance in this action, and my application for leave to practice in this Court is on his motion.
7. I agree to practice under the supervision of ING's designated local counsel, who is a member in good standing of the Bar of the Commonwealth of Massachusetts.
8. ING has requested that I participate as counsel during this action, together with Melicent Thompson, Esquire, of Litchfield Cavo, LLP, under the supervision of ING's designated local counsel.
9. I aver that there is good cause for my admission *pro hac vice*, as designated local counsel is located near Boston, from where this action was transferred, and cannot practicably attend proceedings in the transfer venue of Springfield.



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Marc S. Edrich, Esq.

Subscribed and sworn to before me  
this 23<sup>rd</sup> Day of June, 2005.

Patricia White

Notary Public

My Commission Expires:

**PATRICIA R. WHITE**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JULY 31, 2007

Respectfully submitted,  
Interpleader Plaintiff,  
ING Life Ins. & Annuity Co.

By Gabe Ciociola  
Robert L. Ciociola BBO# 084140  
Gabriel D. M. Ciociola BBO# 636072  
Litchfield Cavo, LLP  
6 Kimball Lane, Suite 100  
Lynnfield, MA 01940  
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Its Attorneys

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Gabe Ciociola  
Gabriel D. M. Ciociola